

PENDING

AMENDMENT NO. _____

Calendar No. _____

Purpose: To fully reinstate the pay-as-you-go requirement.

IN THE SENATE OF THE UNITED STATES—108th Cong., 2d Sess.

S. CON. RES. 95

Setting
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AMENDMENT No.

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By Feingold

To: S. Con. Res. 95

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Page(s)

Referred

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and ordered to be printed

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AMENDMENT intended to be proposed by
SENATOR FEINGOLD (FOR HIMSELF, MR. CHAFFEE, MR. BAUCUS,
 Viz: MS. CANTWELL, MR. CARPER, MR. GRAHAM OF FLORIDA)

1 On page 46, between lines 2 and 3, insert the fol-
 2 lowing:

3 **SEC. 408. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.**

4 (a) POINT OF ORDER.—

5 (1) IN GENERAL.—It shall not be in order in
 6 the Senate to consider any direct spending or rev-
 7 enue legislation that would increase the on-budget
 8 deficit or cause an on-budget deficit for any one of

1 the three applicable time periods as measured in
2 paragraphs (5) and (6).

3 (2) APPLICABLE TIME PERIODS.—For purposes
4 of this subsection, the term “applicable time period”
5 means any 1 of the 3 following periods:

6 (A) The first year covered by the most re-
7 cently adopted concurrent resolution on the
8 budget.

9 (B) The period of the first 5 fiscal years
10 covered by the most recently adopted concu-
11 rent resolution on the budget.

12 (C) The period of the 5 fiscal years fol-
13 lowing the first 5 fiscal years covered in the
14 most recently adopted concurrent resolution on
15 the budget.

16 (3) DIRECT-SPENDING LEGISLATION.—For pur-
17 poses of this subsection and except as provided in
18 paragraph (4), the term “direct-spending legisla-
19 tion” means any bill, joint resolution, amendment,
20 motion, or conference report that affects direct
21 spending as that term is defined by, and interpreted
22 for purposes of, the Balanced Budget and Emer-
23 gency Deficit Control Act of 1985.

1 (4) EXCLUSION.—For purposes of this sub-
2 section, the terms “direct-spending legislation” and
3 “revenue legislation” do not include—

4 (A) any concurrent resolution on the budg-
5 et; or

6 (B) any provision of legislation that affects
7 the full funding of, and continuation of, the de-
8 posit insurance guarantee commitment in effect
9 on the date of enactment of the Budget En-
10 forcement Act of 1990.

11 (5) BASELINE.—Estimates prepared pursuant
12 to this section shall—

13 (A) use the baseline surplus or deficit used
14 for the most recently adopted concurrent resolu-
15 tion on the budget; and

16 (B) be calculated under the requirements
17 of subsections (b) through (d) of section 257 of
18 the Balanced Budget and Emergency Deficit
19 Control Act of 1985 for fiscal years beyond
20 those covered by that concurrent resolution on
21 the budget.

22 (6) PRIOR SURPLUS.—If direct spending or rev-
23 enue legislation increases the on-budget deficit or
24 causes an on-budget deficit when taken individually,
25 it must also increase the on-budget deficit or cause

1 an on-budget deficit when taken together with all di-
2 rect spending and revenue legislation enacted since
3 the beginning of the calendar year not accounted for
4 in the baseline under paragraph (5)(A), except that
5 direct spending or revenue effects resulting in net
6 deficit reduction enacted pursuant to reconciliation
7 instructions since the beginning of that same cal-
8 endar year shall not be available.

9 (b) WAIVER.—This section may be waived or sus-
10 pended in the Senate only by the affirmative vote of three-
11 fifths of the Members, duly chosen and sworn.

12 (c) APPEALS.—Appeals in the Senate from the deci-
13 sions of the Chair relating to any provision of this section
14 shall be limited to 1 hour, to be equally divided between,
15 and controlled by, the appellant and the manager of the
16 bill or joint resolution, as the case may be. An affirmative
17 vote of three-fifths of the Members of the Senate, duly
18 chosen and sworn, shall be required to sustain an appeal
19 of the ruling of the Chair on a point of order raised under
20 this section.

21 (d) DETERMINATION OF BUDGET LEVELS.—For
22 purposes of this section, the levels of new budget author-
23 ity, outlays, and revenues for a fiscal year shall be deter-
24 mined on the basis of estimates made by the Committee
25 on the Budget of the Senate.

1 (e) SUNSET.—This section shall expire on September
2 30, 2009.